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The Registration of aliens, voluntary or compulsory...

New York

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The Registration of Aliens, Voluntary or Compulsory, A Dangerous Project

Supplementary Pamphlet

Edited by

MAX J. KOHLER

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Box 279

LEAGUE FOR AMERICAN CITIZENSHIP
NEW YORK
1930

June 11, 1930 DA/HSE

PREFACE

Since the companion pamphlet, "THE REGISTRATION OF ALIENS, A DANGEROUS PROJECT," was published (second edition, 1926), no really serious effort to pass a "Registration of Aliens" measure was made until Senator Blease introduced what was really a "voluntary registration of aliens bill" (S. 5093) on December 22, 1928. The purpose of this bill was really to legalize the Department of Labor's attempt through General Order No. 106, effective July 1, 1928, to establish, by executive order, a system of voluntary registration, despite widespread opposition in and out of Congress; the bill introduced by Senator Blease in the present Congress on May 16, 1929 (S. 1278), is practically identical with his earlier measure. In its original form, the Commissioner General of Immigration's order had provided that "the admitted alien should be cautioned to present it [identification card] for inspection if, and when, subsequently requested so to do by an officer of the Immigration Service," clearly indicating that the absence of the certificate therein provided for was to create a presumption against the alleged alien, a purpose carried over into the Blease bill by the phrase: "Such certificate shall be *prima facie evidence* of the lawful admission of such alien." In fact, in published interviews with the Commissioner General of Immigration, it was at first frankly disclosed that non-presentation of such identification card by persons suspected of having entered recently will be treated as raising a presumption of illegal presence here, and Acting Commissioner General Harris stated that "it will save aliens lawfully in the United States time and trouble in establishing their identifying bona fides." This order also provided that, in the event of the alien's arrest, it was to be impounded,

thus despoiling him of it illegally at the very time it might be really useful to him (*Toy Tóng vs. U. S.* 146 F. R. 343 at 350 C C A). Although in terms limited to issuance to aliens arriving on and after July 1, 1928, it was authoritatively stated that it was planned to issue such certificates generally to all aliens applying for the same, able to establish legal presence here, and it is obvious that if their issuance can be made general, absence of the same might be regarded as raising a presumption of illegal presence here.

The Secretary of Labor personally, it was conceded, had fathered the project, and the initiated promptly realized that even such departmental voluntary registration scheme could be made the means of wholesale inquisitions, arrests and deportations, as the General Immigration Law authorizes institution of deportation proceedings against alleged aliens, with or without reason, in the discretion of the Secretary or his assistants, in which the burden of proof was on the alleged alien to satisfy the immigration officials of their lawful presence. The "claws" need not be in the registration law or order itself, and it is within the discretion of the Secretary or his assistants to conclude that inability to produce a registration card raises a presumption which justifies institution of deportation proceedings.

The order aroused vehement protests, particularly on the part of the labor unions. A "Labor Letter," published in the *Federated Press* of June 21, 1928, outlining the project, was in fact entitled "Davis Tries Bluffing Aliens Into Blacklist Registration Scheme." In an analysis of the order, Mr. Bruno Lasker, editor of the *Inquiry*, wrote in September, 1928:

> "From what danger, exactly, is the immigrant to be protected by means of the identification card? Obviously the order of July 1, since it applies to an even smaller proportion of the foreign-born residents in the United States than the alien registration

> bill was intended to bring under the scope of its provisions, increases the chance that legally resident aliens will be harassed by zealous officials. The Secretary of Labor and other sponsors of the order reiterate the motive of 'protection,' but have not so far elucidated it. It must be assumed, therefore, that the main purpose of the measure, after all, is that of facilitating the apprehension of those illegally in this country—admittedly a difficult task, and a task which the most 'liberal' immigration policy will want to see more fully accomplished. But I have never been able to see how anything short of a system of registration for the whole population will be really effective. If every man who wears a beard and reads a foreign-language newspaper is to be suspected unless he can produce either an identification paper or a naturalization paper, we shall have more confusion and bungling than ever. It seems to me that by issuing this administrative order after an influential section of public opinion had expressed itself as adverse to the embodiment of the same idea in a Congressional bill, the Secretary of Labor has invited suspicion as to his motive and apprehension as to the probable working of the measure."

In view of these and numerous other attacks—in the course of which Secretary Davis even wrote to Under Secretary Mills that the holder of such card could destroy it with impunity—the "claws" were ostensibly taken from the order, by omitting the clause as to duty to produce, and it was decided not to issue the certificates without Congressional authorization, except to arriving aliens, landing after July 1, 1928, as to whom a somewhat similar certificate had been authorized by the Naturalization Act of 1906, the so-called "certificate of arrival," used in naturalization proceedings. Meantime, however, the Labor Department's course was vehemently assailed in Congress. Senator Copeland caused a protest against it to be published in the *Congressional Record* of December 6, 1928 (Vol. 70, Part I,

pp. 150-2), and on the same day it was vehemently assailed in the House of Representatives (Idem pp. 189-190) by Congressman Celler (an able argument by whom, in opposition to Registration of Alien schemes, appears in the pamphlet to which this is a supplement, pp. 88-93, reprinted from the *Congressional Record* of January 7, 1926), La Guardia and Sabath. Congressman La Guardia, lately Republican candidate for Mayor of New York City, referred pointedly to the requirement in the order for the production of the certificate "when requested so to do by an officer of the Immigration Service," in contradiction to the claim that the card was merely "an unofficial identification." Congressman Sabath of Illinois, then ranking Democratic member of the House Committee on Immigration, said that his committee

> "had had before it many bills relative to the question of the registration of aliens, but it has always looked with disfavor upon giving them favorable consideration. Therefore I know the members of that committee do not approve of any action on the part of the Secretary of Labor to do something indirectly which he was prevented from doing directly or by law."

It was a few days thereafter that Senator Blease introduced his bill in the Seventieth Congress, and he was careful to give the card a new and apparently innocuous name, calling it "certificate of admission," instead of "registration certificate of aliens."

A few days later, Secretary Davis wrote a letter to the Senate Committee in support of the Blease Bill (*Congressional Record,* Vol. 70, pp. 1117-18), in which all these incidents were ignored, and authority was asked for the issuance of these certificates, ostensibly for use for purposes of naturalization and to aid aliens in securing employment. Instead of referring in any way to the opposition his exec-

utive order had aroused, the certificates were described by him as being clamored for by the aliens themselves! Nobody identified these "certificates of admission" with "registration of alien certificates," and Senator Blease secured a favorable report on his bill from the Senate Committee on Immigration on January 23, 1929, without any public hearing, and it slipped through the Senate the same day without debate (*Congressional Record,* pp. 2091-2). If these facts were known to Senator Blease, they were all omitted from the Report he submitted to the Senate (70th Congress, Second Session, Report No. 1455, January 17, 1929). This is the same measure which he was able, on February 18, 1930, to have reported out by the Senate Committee on Immigration without any formal meeting at which a majority was present (*Congressional Record* for February 18, 1930, pp. 3996, 4027-8), but which was recommitted by the Senate itself to the Senate Committee the same day at the instance of Senators Copeland and Wagner, Senator Hiram Johnson (the Chairman of the Senate Committee) explaining that he had said to Senator Blease

> "that I was doubtful about the bill, but, it being a bill that was voluntary in reference to registration, perhaps it was of a different character from a provision for compulsory registration" (Idem p. 4028).

In fact, Secretary Davis' statement that the certificates even under his regulations, are purely voluntary, and might with impunity be destroyed, was scarcely made, when his own Naturalization Bureau required their production in its forms for first and second papers, (and non-production by the applicant naturally raises serious questions as to his identity with the person admitted into the country, as also to other prejudicial circumstances). So much for the value of such assertions, even by the Secretary of Labor, forgotten by his subordinates immediately after they were made!

Two other avowed registration bills have been introduced at the present session of Congress, one by Congressman John L. Cable of Ohio, and the other by Congressman J. B. Aswell of Louisiana. The Cable Bill (House of Representatives, 9147), introduced on January 25, is very insidious, unlike the Johnson Bill of 1922 (H. R. 10860), which fairly bristled with penalties for the alien. All the provisions that were, in previously proposed measures, obviously abhorrent to thinking and liberty-loving Americans, are absent here. Thus, while aliens are required to register every year, as in other Registration Bills (or as the Cable Bill expresses it ephemistically, "enroll annually"), the fee is to be negligible, the penalty for failure to register even less, and there is not the slightest hint of espionage or deportation, threats all too apparent in former Registration Bills. In these respects, the Cable Bill resembles the Blease Bill, above considered.

This "pussyfooting" may well deceive the unwary, but in the seemingly tame Cable Bill there lurks the basic danger inherent in every alien registration project, bare and bold of purpose or disarmingly swathed in soft verbiage. It infringes on the human rights of the alien, would greatly promote deportation proceedings of non-holders under the general immigration law, and is an entering wedge for later measures that would expressly require autocratic and beaureaucratic surveillance of every alien resident, and drag into the net also Americans native or naturalized. The Cable Bill, for all its mildness, is no less a menace to the principle of inviolate personal liberty guaranteed to every resident by the Declaration of Independence and fundamental American principles.

The Aswell Bill runs truer to type. According to this measure, an immigrant would have to pay $100 fine or go to jail for sixty days, or both, if he failed to register annually. If he did not register for two years in succession,

he would be deported. The Cable Bill permits the alien to become a citizen after three years of consecutive registration even if he has been delinquent in enrolling during the first five years of his stay here, provided he is otherwise eligible. So much for the avowed penalties. The relation of the bills to the general deportation provisions has already been outlined.

Much support has been afforded to registration bills during the past few weeks by the report that the plan is now favored by the AMERICAN FEDERATION OF LABOR, which was until lately the most uncompromising opponent of such expedients, as is shown by the public utterances of the late Samuel Gompers, and by his successor, President William Green. In fact, it has been urged by proponents of the plan that these bills can be utilized, if enacted into law, to effect the deportation of so many thousands of persons alleged to be here illegally, as to relieve the unemployment situation. These reports, as concerns the American Federation of Labor, seem to be unfounded, however. In the *Jewish Daily Bulletin* of February 17, 1930, the following interview with Mr. Green appeared:

> Green Denies A. F. of L.'s National Council Approved Alien Registration Bill.
>
> The American Federation of Labor does not contemplate having introduced or supporting any bill for the compulsory registration of all aliens, declared William Green, president of the American Federation of Labor, in an exclusive interview with the Jewish Telegraphic Agency. Mr. Green emphatically denied the story that the National Council of the American Federation of Labor at its last session in St. Petersburg, Florida, adopted a resolution favoring the introduction of a bill calling for compulsory registration of aliens.
>
> "The National Council of the A. F. of L. could not have adopted such a resolution because the

question was not even considered at its last session," Mr. Green declared. "It is true that the National Convention of the American Federation of Labor held in Toronto in November took up the question of the registration of aliens, but this was meant as voluntary registration only.

"It was understood that this measure should be more of a protection for those aliens who are here legally, who, by obtaining a registration card would be able to identify themselves in case it was necessary. However, those who already have certain documents which identify their legal entry into the United States should not need to apply for special registration cards. That makes it clear that we are for voluntary registration of aliens only, and all current reports to the contrary are therefore unfounded," Mr. Green said.

When asked whether the American Federation of Labor plans to have introduced or to support any compulsory registration bill, he emphatically said, "We do not contemplate doing so."

Still more recently, the leading spokesman of the American Federation of Labor, Edward McGrady, telegraphed:

"American Federation of Labor is opposed to compulsory registration. Also opposed to any yearly registration. This smacks too much of European espionage."

Obviously, the dangers herein pointed out, as to the opportunity to institute deportation proceedings under the general immigration law (which Samuel Gompers never forgot) was overlooked by some bitterly opposed to compulsory registration.

A registration system, even if voluntary, will, first of all, give the Government at once an opportunity to elicit information from thousands of innocent applicants, whose deportation will directly follow. Next, we have the circumstance that, if registration becomes general—even through

statutes or orders for voluntary registration—the inability to produce a registration certificate will give rise to some kind of an inference or suspicion of illegal presence, which the immigration authorities are likely to invoke as a justification for starting deportation proceedings, under the general immigration law, in which the burden of proof is on the alien or alleged alien, and which will be attended by almost incredible hardship for him. Those not required to register were, in fact, the chief victims of the Chinese Registration laws. It will be a simple matter for the immigration authorities to promulgate anew an order—such as that known as Order No. 106, above referred to, before its modification—requiring all alleged aliens to produce their certificates, and authorizing arrest in deportation proceedings where they are not forthcoming. Moreover, a voluntary registration system would be but an opening wedge for a compulsory one, which "efficiency" will promptly demand. But the fundamental, American objection should not be lost sight of: every alleged alien in the country would thereby be made an object of suspicion and investigation!

This is not the place to enlarge on the brutalities, oppression, crimes, extortion and corruption which would be certain to attend a registration of alien system, in the light of our experience under the Chinese Exclusion Laws, but with millions, instead of less than 100,000 potential victims. These were enlarged upon in my earlier pamphlet, by leaders of public opinion of every creed and race, and are ably outlined in a very valuable symposium recently published by the New York Jewish daily, *The Day*, both in its newspaper issues and pamphlet reprint, which brings the matter down to date. Through the courtesy of *The Day* these statements, laboriously, patriotically and intelligently gathered by it, are reprinted herein.

MAX J. KOHLER.

New York, February 22, 1930.

UNITED STATES LEGISLATORS AGAINST THE PLAN

Senator Robert F. Wagner

New York, Democrat

I AM unalterably opposed to legislation which sets the immigrant apart to be specially registered, identified, numbered and watched. Such tactics interfere with genuine Americanization. The proposal is based on the narrow and provincial idea that every immigrant must be viewed with suspicion. I regard the immigrant as a potential citizen to be encouraged and treated with sympathy and consideration.

Special registration and the required possession of identifying documents for alien immigrants will serve no useful purpose, will of necessity require similar identification for all citizens and will create another organization of federal agents. The scheme would impose a degree of regimentation by the federal government of the inhabitants of the several states which we have heretofore considered intolerable and unthinkable.

Senator Royal S. Copeland

New York, Democratic Member of the Senate Immigration Committee

I HAVE always been and still am emphatically opposed to any form of compulsory alien registration. I can see no sufficient reason, considering the serious and insuperable objections to this plan, why it should be adopted. As to the recent endorsement of the idea by the executive committee of the American Federation of Labor, I am inclined to believe this action was caused by their impression of an influx of illegal immigration of Mexicans across the American border, rather than any feeling that such a large number of European aliens has entered unlawfully as to justify such a dangerous measure.

Senator Robert M. Lafollette

Wisconsin, Progressive Republican

I AM unalterably opposed to the compulsory registration of aliens; such a system would put aliens under the onus of reporting to officials and carrying registration cards. I see no justification for this proposal. I have steadfastly supported restriction of immigration and I am in favor of strict enforcement of immigration laws, but I do not believe the registration plan is necessary.

I think unlawful entry should be checked at the source. The remedy lies at the point of entry and not after the aliens have succeeded in effecting entry. To attempt a wholesale method of ferreting out aliens in the United States who entered unlawfully is a hopeless task, and would involve more mischief than any good that might come of it. The registration plan involves a spy system. It designates the alien for supervision by a bureaucracy and exposes him to humiliation, which would be most harmful to our efforts for a better understanding between the alien and the native.

Every alien is a prospective citizen. Prospective citizens should be encouraged and made to feel at home, and not placed under special restrictions which put them in a difficult position. I shall certainly vigorously oppose the registration of aliens if the plan comes up in Congress.

Senator George W. Norris

Nebraska, Progressive Republican

I HAVE not had occasion to study the question of compulsory registrations of aliens and consequently am not in a position to say very much on the subject. My first impulse, however, is that there is absolutely no necessity for such an extreme and drastic system. Involving as it does a spy system and prying into people's private affairs, it is repugnant to the fundamental principles of Americanism. I do not think that the problem created by aliens who entered the United States unlawfully is sufficient reason to attempt such a mischievous plan.

Senator William H. King

Utah, Ranking Democratic Member of the Senate Immigration Committee

I HAVE not up to the present time favored the proposition of compulsory registration of aliens, despite the object it has in view, of deporting aliens who entered unlawfully. My attitude is based on the obvious possibilities of abuse inherent in the plan. I shall of course consider very carefully any scheme of compulsory alien registration which might be brought up, but my feeling is against the idea, generally.

Senator Gerald P. Nye

North Dakota, Member Senate Immigration Committee, Progressive Republican, and Leader of the Fight Against the "National Origins" Plan

I HAVE not given the subject much study. I favor the ferreting out of all illegally entering aliens, but if we propose to adopt a law which would entail objections far outweighing the beneficial purpose sought, I would oppose it. Our experience along the lines of legislation involving

the possibility of an espionage system demonstrates the advisability of leaving well enough alone, if we could not guard against the evil possibilities inherent in such a system.

Senator James E. Watson

Indiana, Republican Majority Leader of the Senate

SECRETARY OF LABOR DAVIS and myself may be considered joint originators of the compulsory registration plan. It was first brought forward by us at the 1920 Republican Convention. We certainly meant no harm to any class of our population in proposing the idea, feeling it was necessary because the presence of such a large mass of aliens in the United States of whom we have no record, creates a peculiar problem with which the government is bound to concern itself, and we felt the registration plan offered a satisfactory solution of the problem. However, the plan met with such great opposition that more recently Secretary Davis has ceased to press it. I also have taken no active interest in the idea lately, in view of the strong feeling against it. I realize the difficulties involved. Since the entire question has quieted down, I doubt the advisability of renewing agitation against it, even though it has again been suggested by the American Federation of Labor.

Rep. Samuel Dickstein

New York, Member House Immigration Committee

THE Cable Bill, H. R. 9147, is another attempt to bring to the attention of Congress another measure to register aliens. This is perhaps the fifth or sixth time that bills of this kind have come up in Congress, always to be discredited by the membership.

This bill as introduced is general in its provisions and provides no penalties for non-compliance. Nevertheless, it is an attempt for an opening wedge to compel registration

of aliens, with the idea of scaring them into a sort of espionage system, like that prevailing in Russia of the Czars.

If this bill passes, pretty soon new bills will be added, making registration compulsory and in the course of time every alien, or any person suspected of being an alien who will not be able to show a certificate of registration, will be hounded from his place of employment, dragged to jail and ultimately deported out of the United States.

I believe that the passage of this bill will result in a great deal of chicanery by paid officials and will not accomplish any desirable purposes.

I believe that if we are to prevent unlawful admission of aliens, it is up to us to strengthen the Board of Patrol and make efficient examinations at our Ports of Entry.

If we enforce the existing immigration laws, there is no need for any registration of aliens.

Rep. J. Will Taylor

Tennessee, Republican Member Next in Seniority to the Chairman of the House Immigration Committee

AS a general proposition I have been inclined to favor registering aliens, for the pur- any practicable plan of pose of detecting those aliens who entered the United States illegally. I am in sympathy with such legislation. However, I am aware of the possibility of abuses under such a plan, and this aspect of the matter demands careful consideration before any action is taken. Personally, I regard this question of possible abuses as so serious, that although I would like to see a registration plan put into effect, I would not support it unless the plan embraced satisfactory provision guaranteeing against such abuses.

Rep. John Q. Tilson

Connecticut, Republican Majority Leader of the House

MY attitude toward legislation of this type has always been very conservative. Such legislation involves numerous ramifications and possible dangers. There is a possibility of hardship and embarrassment to innocent people, including naturalized American citizens. Legislation of this type should not be entered into lightly or hastily. It must be very carefully weighed before any drastic law having this objective is adopted. I would not give my support to such legislation unless I were first convinced that the plan is free from serious objection.

TEXT OF THE THREE BILLS FOR ALIEN REGISTRATION PENDING IN CONGRESS

I. THE BLEASE BILL

S. 1278

71ST CONGRESS, 1ST SESSION
IN THE SENATE OF THE UNITED STATES
May 16 (calendar day May 25), 1929

MR. BLEASE introduced the following bill; which was read twice and referred to the Committee on Immigration.

A BILL

To authorize the issuance of certificates of admission to aliens, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an alien who has been lawfully admitted to the United States for permanent residence and who has continued to reside therein since such admission shall, upon his application to the Commissioner General of Immigration, in a manner to be by regulation prescribed, with the approval of the Secretary of Labor, be furnished with a certificate made from the official record of such admission. Such certificate shall be signed by the Commissioner General of Immigration and shall contain the following information concerning such alien: Full name under which admitted; country of birth; date of birth; nationality; color of eyes; port at which admitted; name of steamship, if any; and date of admission. Such certificate shall also contain the full name

by which the alien is then known, his signature, and his address. A photograph of the alien shall be securely attached to the certificate, which shall bear an impression of the seal of the Department of Labor.

SEC. 2. Such certificate shall be prima facie evidence of the lawful admission of such alien. A fee of $3 shall be paid by such alien to the Commissioner General of Immigration for each such certificate. The money so received by the Commissioner General of Immigration shall be paid over to the disbursing clerk of the Department of Labor, who shall thereupon deposit it in the Treasury of the United States, rendering an account therefor quarterly to the General Accounting Office, and the said disbursing clerk shall be held responsible under his bond for such fees.

SEC. 3. This Act shall take effect January 1, 1930.

II. THE CABLE BILL

H. R. 9147

71ST CONGRESS, 2ND SESSION
IN THE HOUSE OF REPRESENTATIVES
JANUARY 25, 1930

MR. CABLE introduced the following bill; which was referred to the Committee on Immigration and Naturalization and ordered to be printed

A BILL

To provide for the registration of aliens and to amend and supplement naturalization laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of June 29, 1906 (Thirty-fourth

Statutes, page 596; United States Code, title 8, section 106), is hereby amended by adding at the end thereof the following:

"Any alien so arriving and registered, or who has been or may hereafter be registered under the provisions of this section or section 1 of the Act of March 2, 1929 (Forty-fifth Statutes, page 1516; United States Code, Supplement 3, title 8), who has not received the certificate of registry required by such section 1 of the Act of June 29, 1906, shall apply to and receive from the Commissioner of Naturalization a certificate of registry with photograph attached, furnished in duplicate by the applicant. Such certificate shall be applied for and obtained within six months after the passage of this Act and shall be renewed annually thereafter by the alien under regulations prescribed by the Commissioner of Naturalization and approved by the Secretary of Labor.

"Every alien lawfully admitted into the United States for permanent residence shall enroll annually and receive a certificate of such enrollment. Aliens under the age of twenty-one years shall be registered by their father, mother, or guardian. No fee shall be charged if such aliens are not gainfully employed.

"This Act shall include aliens in Hawaii, Porto Rico, and the Virgin Islands.

"Duly accredited diplomatic or consular officers of any foreign government, members of the family of such officer, and those in their employ shall not be subject to the requirements of such registration or enrollment.

"Any alien eligible to citizenship who has registered and enrolled in accordance with this section for a period of five consecutive years may petition for citizenship without any previous declaration of intention, and upon compliance with all other requirements of the naturalization laws, may be admitted to citizenship. There shall be paid to the Commissioner of Naturalization a fee of $1 by each alien required by section 1 of this Act to register, and a fee of 50 cents for each enrollment and certificate thereof, and a fee of $1 for each new certificate of registry or certificate of enrollment in lieu of one lost, destroyed, or mutilated. The fee for registration shall be $2 and the fee shall be $1 for each year of failure by alien to register or enroll, in each case where an alien is required to register by section 1 of this Act fails to register and thereafter fails to enroll annually. Any alien who fails to register and thereafter fails to enroll as required by section 1 of this Act shall be excluded from citizenship until registration and enrollment shall thereafter have occurred for three consecutive years. The Commissioner of Naturalization may, with the approval of the Secretary of Labor, exempt any alien from the payment of any fees prescribed by this Act upon proof that such payment would work a hardship because of sickness, unemployment or other causes."

SEC. 2. In the case of each immigrant arriving in the United States, from and after six months from the date of this Act, such certificate of registry required by section 1 of the Act of June 29, 1906 (Thirty-fourth Statutes, page 596; United States Code, title 8, section 106), as amended, issued at the port of entry to each immigrant entering the United States shall be issued under regulations prescribed by the Commissioner General of Immigration, approved by the Secretary of Labor.

III. THE ASWELL BILL

H. R. 9101

71ST CONGRESS, 2ND SESSION

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 1930

MR. ASWELL introduced the following bill; which was referred to the Committee on Immigration and Naturalization and ordered to be printed

A BILL

To provide for the registration of aliens, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That as used in this Act—

(a) The term "United States" includes all territory, waters, and other places subject to the jurisdiction of the United States;

(b) The term "regulation" means a regulation made as provided in section 11 of this Act;

(c) The term "alien" includes any individual in the United States, Alaska, Hawaii, Porto Rico, and the Virgin Islands, not native-born therein or not a naturalized citizen of the United States, but shall not be held to include the citizens or the aliens of the other islands under the jurisdiction of the United States, or the duly accredited diplomatic or consular officers of any foreign government, those in their employ, or members of the family of such officer.

SEC. 2. Every alien in the United States shall, within the

time fixed by the President in a proclamation made by him within ninety days after the enactment of this Act, enroll or register at such time and place as may be fixed by regulation. On or after the first day of registration as fixed in such proclamation, every alien, before being admitted into the United States for temporary stay or permanent residence on original admission, and upon reentry, if not previously registered in accordance with this Act, shall be registered in like manner by immigration officials at the port of entry, and such registry shall be a condition attached to such admission or reentry.

Every such alien twenty-one years of age or over shall register in person unless actually prevented by physical or mental inability, confinement in a prison, asylum, or other institution, temporary absence from the country, or other good cause, in the discretion of the Secretary of Labor, in which case the registration shall be in the manner provided by regulation. Every alien under twenty-one years of age shall be registered by a parent or guardian and without payment of the prescribed fee, but shall register in person immediately upon reaching the age of twenty-one years. Neither a failure to register nor conviction therefor shall affect the continuance of the duty to register or inability for violation of such duty.

SEC. 3. Every such alien in the United States, whether temporarily or permanently admitted thereto, shall be subject to registration as provided in this Act and shall register once each calendar year. The period during the calendar year for such registrations shall be prescribed by regulation except that the first required registration of any alien at the time of admission into the United States, if within six months next preceding such period in any calendar year, shall be in lieu of registration during such year.

SEC. 4. At the time of the first registration of each alien

as required by this Act, after registration upon admission into the United States, who has reached the age of twenty-one years, the alien shall pay to the registering officer a fee of $2 and shall pay at each subsequent registration a fee of $1. Such payment shall in each case be made by postal money order payable to the Commissioner of Naturalization.

SEC. 5. A certificate of registry shall be given to each alien at the time of registration who is twenty-one years of age or over. Such certificate shall contain a photograph of the registrant furnished by the alien, and be in such form as shall by regulation be prescribed. Any registered alien who is under the age of twenty-one years may receive a certificate of registry with photograph attached furnished by the alien, upon application therefor in accordance with prescribed regulations, when such application is approved by the Secretary. In case of the loss of a certificate it shall be held as void and a new certificate may be issued upon application to the Commissioner of Naturalization and payment of a fee of $2, in the manner prescribed for the registration fee, and under such conditions and restrictions as may be provided by regulation.

SEC. 6. Each record of registration and certificate of registry shall be in duplicate and contain: The full and correct name and all other names by which such person has at any time been known either in the United States or elsewhere, the signature or mark of such person, and such other information as may be by regulation prescribed.

Every alien shall report all arrests or convictions of such alien and the charges upon which such arrests were made or convictions obtained, together with the final disposition of each case, and any other information, as specified by regulation, bearing upon the fitness of such alien for citizenship. A full record shall be made thereof on the original and duplicate records of registration.

Records of all reports required to be made under this Act shall be in duplicate, and if directly relating to any record of registration already made shall be entered thereon in original and duplicate, and also, if required by regulation, upon the certificate of registry.

An affidavit of the truth of the information given for registration shall be made and subscribed with the signature or mark of the alien registered, which affidavit shall be placed with the record of registration in the Bureau of Naturalization. In the case of aliens under the age of twenty-one years, the affidavit may be made by the parent or guardian.

SEC. 7. The original record of registration of each alien and the duplicate certificate of registry shall be filed in the Bureau of Naturalization. The duplicate record shall be retained and filed in the central office of the district in which the registration is made.

SEC. 8. The record of registration and the certificate of registry of each alien shall have the same serial number. If a new certificate of registry shall be issued, the records and the certificate shall receive a new serial number, and the original shall be canceled.

SEC. 9. Whenever the name of any alien is changed, whether by marriage or by legal proceedings or otherwise, such alien shall immediately report such fact to the Commissioner of Naturalization, and whenever the physical appearance of an alien registered under this Act is changed materially, such alien shall report such fact to the Commissioner of Naturalization, whereupon the appropriate changes shall be made in the records of registration and the certificate of registry, or new records may be made, and a new certificate issued.

SEC. 10. Whenever, in the judgment of the President, the interests of the national defense so require, he may, by

proclamation, require all or any part of the aliens required to be registered by this Act to report at such times and places as he shall fix.

SEC. 11 The Commissioner of Naturalization shall be charged with the duty of the proper enforcement of this Act, under the direction of the Secretary of Labor, and shall, with the approval of the Secretary of Labor, make all regulations necessary to its enforcement.

The Secretary of Labor may appoint such assistants for the purpose of enforcing this Act as may from time to time be authorized by appropriations.

SEC. 12. Every alien eligible to citizenship who has (1) reached the age of twenty-one years, (2) been registered in accordance with this Act for a period of five years immediately preceding his application for citizenship, (3) demonstrated his ability before a naturalization examiner to read, write, and speak the English language understandingly (unless physically unable to do so), and (4) in all other respects complied with all the provisions of the naturalization laws, may petition for citizenship without any previous declaration of intention, and, upon compliance with all other provisions of the naturalization laws, may, if found qualified, be admitted to citizenship.

SEC. 13. Every alien shall, on demand, at any time exhibit his certificate of registry to any agent of the Department of Labor, to any Federal, State, Territorial, or other public police or peace officer.

SEC. 14. Upon departing from the United States an alien shall surrender his certificate to the immigration officials at the point of departure. At the time an alien applies for citizenship the certificate of registry shall accompany the application to the Commissioner of Naturalization. Every certificate of registry which is surrendered under this section shall be void for all purposes.

SEC. 15. The Secretary of Labor shall request the governor of each State to submit a concise synopsis of the resources of his State and the opportunities open to immigrants in such State and shall at stated times further request the governor, but not more frequently than semi-annually, to submit estimates of the number and type of immigrants that are deemed desirable as residents of such State. The Secretary of Labor shall compile from such reports and furnish the Secretary of State information and statements from time to time (in such languages as the Secretary of Labor shall deem expedient) setting out conditions and opportunities in the several States, for furnishing to American consular officers. Each alien applying to any such officer for a visa shall be given the opportunity of reading such statements and shall select the place in the United States to which such alien desires to go, which place shall be named in the visa. No alien entering the United States after six months following the enactment of this Act shall be deemed to have completed his temporary or permanent admission into the United States or his registration under this Act until he has, as prescribed by regulations, reported at the place named in his visa at the office in the district in which such place is located.

SEC. 16. Whoever (a) violates any provision of section 2, 3, 6, 9, 13, or 14 of this Act, or (b) fails to report as required by a proclamation made under section 2 is guilty of a misdemeanor punishable upon conviction by a fine of not more than $100 or by imprisonment for not more than sixty days, or by both such fine and imprisonment; and whoever (a) violates any other provision of this Act or of any provision of any regulation made pursuant to this Act, (b) makes any willful false statement or misrepresentation in any act or thing required to be done by this Act or by any regulation made pursuant to this Act, or in relation thereto, or (c) counterfeits or for unlawful purposes mutilates or,

except in the course of his duties under this Act, willfully alters or willfully destroys any record of registration or certificate of registry issued under this Act is guilty of a felony punishable upon conviction by a fine of not more than $5,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. Each failure to make any report required under this Act shall constitute a separate offense.

Any alien who willfully fails or neglects or refuses to register for two consecutive years under the provisions of this Act may be taken into custody on warrant of the Secretary of Labor and deported.

SEC. 17. All fees required to be paid, under the provisions of this Act, by aliens to the registering officer shall be transmitted to the Commissioner of Naturalization in accordance with regulations. The Commissioner of Naturalization shall receive all fees required to be collected under the provisions of this Act, and shall pay over and deposit them in the Treasury and account for them to the General Accounting Office in the same manner as required of naturalization fees received by the Commissioner of Naturalization.

SEC. 18. For the remainder of the fiscal year ending June 30, 1930, and the fiscal year ending June 30, 1931, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000 for the purpose of defraying the expenses of the enforcement of this Act, to be expended by the Commissioner of Naturalization under the direction of the Secretary of Labor.

STATEMENTS BY LEADING AMERICANS

HON. HERBERT H. LEHMAN

Lieutenant Governor, State of New York

THE proposed plan to require compulsory registration of all aliens in the United States must be abhorrent to all fair-minded, and thinking people. I am thoroughly opposed to any such scheme. It would immediately set apart our alien population and place a stigma on them. It would foster and develop in a marked degree class and racial discrimination.

It seems to me the important task to which we should set ourselves is to absorb as promptly as possible our alien population, and not to cause further cleavage and thus handicap the progress of Americanization. It is un-American to discriminate against any class of its population and that is exactly what compulsory registration would do.

Furthermore, it would open the way to possible abuse by unscrupulous police officers and other authorities in an intolerable degree. I do not know of any scheme more un-American in its conception, principle or operation. If as has been represented, the purpose is to stop criminal aliens from coming into our country, it would not serve its purpose.

It would subject countless thousands of our law-abiding, self-respecting men and women, most of whom are prospective citizens, to injustice, oppression and discrimination,

when the alleged purpose could be far more readily secured in other ways.

It should not be difficult for the Federal Government so to strengthen our immigration service, both here and abroad, that the alien criminal can be detected and excluded from this country. It certainly should not be necessary in order to do this to label and set aside from their fellows the many law-abiding, honest aliens who have come to this country for the purpose of making their homes and becoming a part of their new country.

Hon. James J. Walker

Mayor of the City of New York

I CONSIDER the proposal to register all aliens in the United States injurious and un-American. To force a man to go to the polls at stipulated times to register, is to place him in the category of criminals. The immigrant population of the United States is a law-abiding body, and anything that might reflect on its fair name is a travesty of justice.

It is un-American, I believe, to discriminate against a class as a whole. To force all aliens to carry passports with them —and that is exactly what the registration scheme would allow—is to discriminate against every alien, no matter how high his intellectual attainments, or how honest his intention to become a citizen of the United States. It is an old established American principle that a man is judged by his own merits, and not by the class or the group in which he happens to have been born. The subjection of all aliens to what would amount practically to police surveillance is uncalled for.

I am also opposed to the proposed Registration Law because it would inevitably tend to interfere with the inalien-

able right of personal liberty. Under the provisions of the Registration Law, every alien, and for that matter every American who might be taken for an alien, could be stopped by a policeman and asked to produce his registration card. This would give the police officer more power than he should have over the ordinary man in the street. America was always averse to a passport system within the country. We have always refused to fingerprint and label the whole population. This we left to autocratic governments.

Nor am I convinced that even should we adopt the registration plan, that the purpose of the whole scheme would be attained. The proponents of the plan imagine that all that is necessary to catch the immigrant criminal is to put on the statute books a requirement for the registration of all aliens. The criminal, whether he be an alien or a citizen, has at his disposal any number of ways of dodging the laws, including the Registration Law. What will deter him is energetic police action and the swift course of the law.

If we want to stop criminal aliens from coming into the land, let us strengthen our immigration service and our frontier guard, but let us not impugn the faith of all aliens who come to the United States.

Dr. Frederick T. Robinson

President of the College of the City of New York

ONE of the finest evidences of American liberty is our freedom from official surveillance. In contrast with European countries, people within our borders may go from place to place without registering with any official, without passports and credentials, and without police control. When a foreigner meets our proper entrance requirements he is made to feel at home and should be as free in his movements and as independent of official control as any native or natural-

ized citizen. The stranger within our gates is a welcome guest. This American policy should be preserved and not modified at all, save in a time of national danger. It is an ideal peace-time policy, which makes for freedom from suspicion and espionage. It is a policy particularly calculated to protect aliens for future citizenship and the responsibilities which grow with such citizenship. Any curtailment of this freedom would be counter to the American spirit and furthermore, any attempt to enforce a modification would be ineffective.

Therefore I believe it would be both unwise and improperly expensive to set up the elaborate machinery which would be necessary to carry out the proposal in the bill.

NORMAN THOMAS

Leader of the Socialist Party

THE law to register aliens is in itself and in its psychological effects a very dangerous law to one believing that real freedom is left in the United States. It is a tragedy that descendants of men who left Europe to avoid such demeaning personal control, should force it upon later comers. Inevitably, alien registration will be used by employers to preserve a blacklist, and by bureaucrats and petty pirates to check up on unpopular aliens. It will engender a fear in the minds of aliens even more disastrous than the actual control. It is nonsense to believe that this method of keeping tabs on aliens will stop with aliens. The next step will be a registration of workers in general. The time to fight such a flagrant curtailing of personal liberty is now, before it has grown greater.

I do not believe that any registration law can pass. The tragedy of it is that it will not be defeated as in former times, by the opposition of the American Federation of Labor. The labor heirarchy, which I hope in this matter is

out of touch with its own rank and file, has seen fit to give this measure its support. The argument is that alien registration is necessary to curb bootleg immigration. Secretary Davis has even piously suggested that under it the good immigrant can be helped, which is, whether he so intended or not, a piece of pious hypocrisy.

If to curb bootleg immigration we have to imitate the Czar of Russia, we had better begin to inquire whether our immigration policy is right. We are paying high prices for it, and any set of labor leaders which will consent to pay such a price, shows itself bankrupt of the ideals of the spirit necessary to make the working class movement an assertion of a fellowship of free men. It plays into the hands of those who would reduce our workers to the status of human paradoxes or wage slaves in the most vital sense of that term.

DR. CYRUS ADLER

President, The American Jewish Committee

THE American Jewish Committee has always opposed the enactment of any law to require the registration of aliens. The practical effect of such a law would be to introduce in the United States a bureaûcratic system of government surveillance, conducive to oppression and extortion, and abhorrent to the principle of personal liberty, upon which the Republic has hitherto rested. The enforcement of such a law would require an army of federal officers who will be subject to the same dangers of corruption and special influence as characterize similar systems in Europe. The proposed laws require the payment of registration fees which are an additional burden upon immigrants, each of whom is already charged a head tax of $8 to enter the country.

The fathers of the Republic were all opposed to the alien and sedition laws which embody the system of registration surveillance, as being in conflict with the spirit and ideals

of American liberty. Furthermore, the next logical step after the registration of aliens would be the compulsory registration of all citizens, without which the registration of aliens cannot be enforced. Finally, if the funds required to carry out the proposed measures for registration were applied to improving the policing of our borders, the illegal entry of aliens, which the registration bills aim to detect, would be so greatly reduced as to make such measures wholly unnecessary.

MAX J. KOHLER

Chairman of the Committee on Immigration of the American Jewish Committee and of the Baron de Hirsch Fund

I AM vehemently opposed to registration of alien schemes, whether voluntary or involuntary. Their prime purpose is to aid in wholesale fashion schemes for deporting aliens, and afford a justification for an inquisition into the right of every alien or alleged alien, to remain in the United States. The law throws the burden of proof in deportation proceedings on the alien, to show by persuasive evidence his right to remain here, and absence of a registration certificate would become a justification for arrest, imprisonment and deportation. During the last fiscal year, an army of 12,908 aliens were deported by the government, but such legislative sanction would enormously increase the number per annum, perhaps twenty fold. When penalties for non-registration are imposed, the resulting situation of course becomes even more aggravated than where a voluntary system is established, but both methods are vicious and inhumane, and a voluntary system would soon be transformed into a compulsory one.

Persons not registering, because really not required to register, would be the chief victims, because of difficulty satisfactorily to establish their exemption, but many thousands would, in good faith, through accident or oversight, neglect to register, and be visited with all these penalties.

Especially now, when "registry of aliens" who entered before June 1, 1921, for whom no record of admission exists, was just authorized by Congress, such general registration is most uncalled for and unjust. I have been intimately acquainted, since I served as Assistant U. S. District Attorney in New York between 1894 and 1898,—with the brutalities, hardships, injustice and corruption which resulted from our Chinese Exclusion Laws, which I then had charge of, and this is simply an attempt to introduce such a vicious and inhuman system among all residents of all colors. In the pamphlet I edited a few years ago, entitled "The Registration of Aliens a Dangerous Project," the views of leaders of public opinion like ex-Secretary Oscar S. Straus, Alfred E. Smith, Samuel Gompers, Louis Marshall, Walter Lippman, Rev. Charles K. Gilbert, Sherwood Eddy, Judge Augustus N. Hand, Rev. K. D. Miller, and others, vigorously in opposition, were collated. Besides other objections, every alleged alien in the country would thereby be made an object of suspicion and investigation.

DR. STEPHEN S. WISE

President, American Jewish Congress

IT seems little less than incredible that the American Federation of Labor should, by its Executive Council, go on record in support of the registration of aliens. This proposal ought never to have support from any forward-looking group in America. It is nothing more than another hysterical post-war psychosis measure. In truth, it is another method of retarding the processes of Americanization. It places every newcomer to our country in the position of suspect. It more definitely and rigidly establishes the caste of aliens, when, in truth, the business of America is to convert aliens through understanding and hospitality into American citizens, and not hold them at arms' length through the stratifying processes of registration.

I cannot believe that the proposal to register aliens, in all its offensiveness, will receive serious consideration in the houses of Congress, but I grieve as a friend of the American Federation of Labor to think that it should give its endorsement to a proposal, unjust and un-American.

BERNARD G. RICHARDS

Executive Director, American Jewish Congress

THE proposed plan of Alien Registration which presages nothing less than a system of compelling everyone to carry a passport and of introducing the outworn and discredited practices of espionage has been brought forward on a number of previous occasions and every time it was vigorously condemned by enlightened and forward-looking men and women of all races and religious groups. Many men throughout the country have been heard in condemnation of such a system. At the conference held in New York on January 9, 1926, the voices of Governor Alfred E. Smith, Federal Judge Augustus N. Hand, Mr. Sherwood Eddy, Senator Royal S. Copeland, the late Hon. Oscar S. Straus, Rev. Charles K. Gilbert, and many others spoke clearly and emphatically against this proposal. Mr. Walter Lippman, chief editorial writer of the New York *World* in a most illuminating address, described the measure which was then pending as a "burdensome, meddlesome and un-enforceable law."

That the American Federation of Labor should now be sponsoring a proposal which strikes at the very basis of personal freedom in the United States and opens many doors for abuses of the law, is astonishing, not only because of the reactionary character of the legislation in question, but of the fact that the new attitude of President William Green and his associates of the Executive Council represents a complete reversal of the former attitude of the Federation. In

a report of the Executive Council presented to the Convention of the Federation held in Atlantic City on Oct. 5th to 16th, 1925, reference was made in no uncertain terms to

> "A bill for the registration and fingerprinting of the 8,000,000 aliens now in the United States and all who come hereafter was introduced in the last session of the sixty-eighth Congress by Representative Aswell of Louisiana."

After describing the bill in all its objectionable aspects, the report concluded by saying:

> "It is inconceivable that the American Congress will seriously consider legalizing an elaborate system of espionage, such as this measure contemplates; nevertheless we earnestly urge upon the Executive Council a continuation of its opposition, so that this dangerous proposition, anti-union and anti-American in principle, will not be written into law."

Needless to say this report of the Council was unanimously adopted by the delegates in convention assembled.

Mr. Green's predecessor, the late Mr. Samuel Gompers, whom the Federation never ceases to extol and to honor, then writing on the subject to Mr. Max J. Kohler, said

> "The American Federation of Labor is opposed to the registration of aliens proposal. If foreigners who come to this country are germanized, it will not be long before the citizens of the United States will be compelled to register. Then will follow the fingerprinting of every citizen, as suggested by Mr. W. J. Burns."

Whatever misguided attitude may now be taken by the Federation of American Labor or other organized groups, which are apparently losing step with the march of human progress, it is unthinkable that the great masses of intelligent, liberty-loving and far-sighted Americans of all persuasions and points of view, will permit the enactment of

J. Tone

prejudice, groundless fear and intolerance into law. The fundamental institutions of our country continue to be too deeply revered to permit of such misinterpretation of our moral standard and ideals.

SIDNEY HILLMAN

General President, Amalgamated Clothing Workers of America

IT is to be hoped that American public opinion will defeat any attempt to introduce the alien passport system in this country. The proposed registration of aliens would be a great blow at the personal freedom that we now enjoy and I am certain that all those who appreciate the guarantee of such freedom will voice their protest in no uncertain manner when a bill putting this passport system into effect comes before Congress.

The argument that registration of aliens will make it possible to cope with the crime wave is a mere pretense. There are sufficient laws to cope with these elements provided they are properly enforced. The real effect of a measure of this character will be felt not only by the individual workers but by all of organized labor in its attempts to organize. A law of this kind will merely provide the anti-labor forces with a new weapon to be used in terrorizing the workers from joining organizations which protect their economic and social rights.

The experience with the Sherman Anti-Trust Act which was put on the statute books for the avowed purpose of preventing capital combining in restraint of trade is a case in point. This Act was in fact used to prevent labor from combining to improve its conditions and wages. This particular example should be ample proof to those in the organized labor movement that should this registration-of-aliens law be passed it will be used primarily for the same purpose. Do not let those who do not today class themselves

as aliens fool themselves into believing that the law will not affect them. Once the principle of registration is recognized by putting on our statute books such a measure, it will be easy to include other groups as well.

ISRAEL MUFSON

Executive Secretary of Conference for Progressive Labor Action

THE action of the Executive Council of the American Federation of Labor, at its meeting in Miami, endorsing the registration of aliens, is most extraordinary, in view of its past continued opposition to any such move. While no formal statement concerning such action can be advanced by the Conference for Progressive Labor Action until we have seen the official announcement of the A. F. of L., we can at this time declare our complete opposition to any such law. The number of aliens who enter this country without knowledge of our immigration authorities is negligible, and no legal requirements, which will hamper the free movements of law-abiding inhabitants, are necessary in order to discover the small number of foreigners who enter our doors without permission.

The law is devised to better control the labor power in this country and is sponsored by those who desire to intimidate and exploit the alien worker. The action of the A. F. of L., as announced in the newspapers, reversing its opinion on such an important stand, shows the reactionary tendencies of the officials of the A. F. of L., and shows the need of such an organization as the Conference for Progressive Labor Action. One step further and we shall have the registration of all workers, whether alien or otherwise.

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